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IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE
TO COMBAT RACISM AND RACIAL DISCRIMINATION

Report on the International Seminar on Cultural Dialogue
Between the Countries of Origin and the Host Countries
of Migrant Workers

Athens, Greece

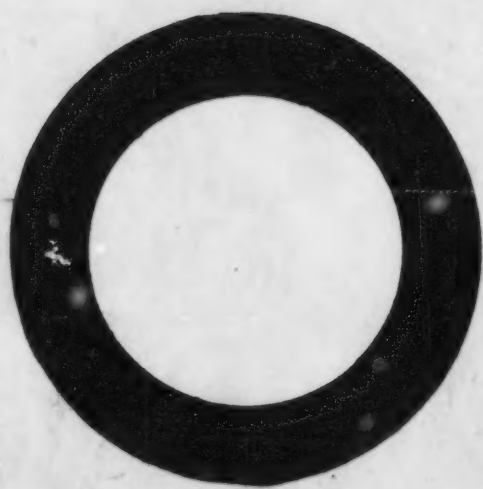
18-26 September 1989

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INTRODUCTION

A. Organization of the seminar

1. At the invitation of the Government of Greece, the Secretary-General of the United Nations, acting under the Programme of Advisory Services and in the context of the Programme of Action for the Decade to Combat Racism and Racial Discrimination, organized a seminar on cultural dialogue between the countries of origin and the host countries of migrant workers. This was the second seminar to be held on this topic under the Programme of Advisory Services. The first seminar, on the item "Human rights and migrant workers", was held in Tunisia from 14 to 27 October 1975.

B. Participation

2. Invitations to nominate participants were initially extended to the Governments of Algeria, Australia, Brazil, Canada, Cyprus, Denmark, Finland, France, Germany (Federal Republic of), Ghana, Greece, India, Italy, Mexico, Morocco, Netherlands, Norway, Pakistan, Philippines, Poland, Portugal, Senegal, Spain, Sweden, Switzerland, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, Union of Soviet Socialist Republics, United States of America, Yugoslavia.

3. Participants and alternates from the following countries attended the seminar in their individual capacity: Algeria, Australia, Brazil, Cyprus, France, Germany (Federal Republic of), Ghana, Greece, India, Mexico, Morocco, Netherlands, Norway, Philippines, Poland, Portugal, Senegal, Sweden, Tunisia, Turkey, United States of America and Yugoslavia.

4. United Nations organs and specialized agencies having an interest in the subject-matter of the seminar were invited to send representatives.

5. The following regional intergovernmental organizations were invited to send observers: Council of Europe, League of Arab States, Organization of African Unity, Organization of American States and Organization of the Islamic Conference.

6. Non-governmental organizations having consultative status with the Economic and Social Council, whose purposes and programmes are connected with the subject-matter of the seminar, were also invited to send observers.

7. An attendance list may be found in annex I to this report.

C. Opening of the seminar and election of officers

8. The seminar was opened on behalf of the Secretary-General by Mr. Jan Martenson, Under-Secretary-General for Human Rights, who made an introductory statement. Mr. Alexander Rafael, General Secretary of the Ministry for Foreign Affairs, made an inaugural address and welcomed the participants on behalf of the Government of Greece.

9. The following officers were elected by acclamation:

Mrs. Erica-Irene A. Daes (Greece), Chairman
Mr. El Hadji Malick Konté (Senegal), Vice-Chairman
Mr. Björn Hammarber (Sweden), Rapporteur

10. Mrs. Daes made a statement following her election as Chairman of the seminar (see annex III).

11. The seminar paid tribute to the memory of the late Antonio Gonzalez de León, Chairman of the United Nations General Assembly Working Group on the Drafting of a Convention for the Protection of All Migrant Workers and their Families. On behalf of the seminar, the Chairman sent a telegram to his family and the Government of Mexico.

12. The Secretary-General was represented by Mr. Jan Martenson, Under-Secretary-General for Human Rights, from 18 to 19 September 1989, and by Mr. Mikhail Vezel, Chief, Advisory Services Section, Centre for Human Rights, from 20 to 26 September 1989.

13. Mr. Moustar Cissé was Secretary of the seminar from 18 to 23 September 1989 and Mrs. Bruno Molina from 24 to 26 September 1989.

D. Agenda

14. At the first meeting, on 18 September 1989, the seminar adopted the draft agenda, as follows:

1. Effectiveness of international norms and practical measures aimed at the acceptance of basic principles relating to the treatment and protection of migrant workers and their families.
2. Exchange of information on the cultural life of migrant workers and their families between the States of origin and the host countries of migrant workers and their families.
3. Experience in the establishment of institutions and/or procedures in the States of origin and the host countries for the special needs, including social, health and other services, of migrant workers and their families.
4. Discrimination experienced by migrant workers and their families with regard to educational facilities, teaching programmes and school curricula.
5. Participation in public affairs, including the right to vote and to be elected, as well as the right to freedom of association and the right to join trade unions, in the host countries and their States of origin.

E. Documentation

15. The following background papers were prepared for the seminar at the request of the United Nations Secretariat:

HR/ATHENS/1989/SEM.2/BP.1: prepared by Mr. Bengt Lidal, Ministry of Health and Social Affairs, Stockholm, Sweden

HR/ATHENS/1989/SEM.2/BP.2: prepared by Mr. Danilo Türk, Professor, Law Faculty, Ljubljana University, Yugoslavia

HR/ATHENS/1989/SEM.2/BP.3: prepared by the International Labour Office

HR/ATHENS/1989/SEM.2/BP.4 and Add.1: prepared by Mr. Tomas D. Achacoso, Administrator, Philippine Overseas Employment Administration, Philippines

HR/ATHENS/1989/SEM.2/BP.5: prepared by Mrs. Erica-Irene A. Daes, Greece

16. Working papers were prepared by participants as follows:

WP.1 Cyprus
WP.2 Morocco
WP.3 Mexico
WP.4 Poland
WP.5 International Social Service
WP.6 Yugoslavia
WP.7 Australia
WP.8 France
WP.9 Portugal
WP.10 Philippines

Chapter I

EFFECTIVENESS OF INTERNATIONAL NORMS AND PRACTICAL MEASURES AIMED AT THE ACCEPTANCE OF BASIC PRINCIPLES RELATING TO THE TREATMENT AND PROTECTION OF MIGRANT WORKERS AND THEIR FAMILIES

A. Discussion

17. This item was discussed at the second, fourth and fifth meetings, held on 19 and 20 September 1989.

18. The item was introduced by Mrs. Erica-Irene A. Daes (Greece), who made a brief oral presentation of the principal points contained in the background paper she had prepared for the seminar (BP.5). In that paper, she had analysed existing international norms pertaining to migrant workers and presented a number of preliminary conclusions and recommendations for the seminar to discuss.

19. A number of participants expressed dissatisfaction with the level of protection afforded to migrant workers by existing norms and one participant suggested that it would be a valuable exercise if the overall effectiveness of such norms could be evaluated. It was pointed out that the instruments evolved by the International Labour Organisation were not sufficiently effective in their coverage. Instruments in the context of the Council of Europe and the European Economic Community did not extend coverage to workers from outside the Community. Bilateral agreements were felt to be useful because they were detailed agreements between two parties, but they were seen as often not being sufficiently all-embracing in their protection. In addition, it was felt that migrant workers today faced certain problems and raised issues hitherto not addressed by international instruments. In consequence, participants in the seminar strongly urged the Working Group set up to draft a convention for the protection of migrant workers and their families to complete as soon as possible, hopefully by 1990, their drafting of a text with adequate solutions to problems faced or raised by migrant workers today.

20. The view was expressed by some participants that existing norms, inadequate as they were, were not sufficiently well publicized and that as a result migrant workers were often ignorant of rights pertaining to them. One participant suggested that it would be of great benefit if simple, informative literature could be produced and distributed in the countries of origin of migrant workers in order to overcome that problem. Another participant indicated that in his country cassette recordings were made and widely distributed in order to inform all people, and especially the illiterate, of the immigration laws and policies of host countries.

21. According to another participant, there were a number of good reasons for the development of norms regulating the conditions of life of migrant workers. In his view, (a) there could be no world peace without social justice; (b) certain migrant workers were forced to endure a miserable existence; (c) an increasingly mobile world labour force had to be protected; (d) with the development of norms, States could commit themselves to binding agreements that provided supervisory machinery and procedures for the settlement of disputes for the protection of migrant workers.

22. One participant questioned the need for the development of a new category of human rights for the protection of migrant workers, and suggested that existing norms were adequate for that purpose. In his opinion, the fundamental issue to be examined in relation to the question of migrant workers was world migratory flows, an issue largely independent of the development of international norms. He felt that the granting of development aid by wealthier nations to less developed countries would be an effective solution to the problem of migratory flows, because if the living standards of individuals in countries of origin were to improve, then they would not be tempted to migrate. Other participants also emphasized the important linkage between the issue of migratory flows and the situation of economic and technological disparities in the world today.

23. Many participants questioned whether international norms *per se* were sufficient fully to protect migrant workers. It was pointed out that much discrimination against migrant workers took place in the community at large, not simply as a direct result of government policies but rather as a result of the cultural orientation of the community. It was therefore suggested that programmes be carried out to educate all those responsible for dealing with migrant workers and their families, such as teachers, police, local administrators and shopkeepers, in order to eradicate any inherent prejudices which might exist against foreigners, and also that Governments should carry out campaigns aimed at the population as a whole to combat feelings of prejudice or xenophobia. One participant was of the view that national institutions mandated to oversee the enjoyment of rights by all persons were a useful addition to legislation. He gave the example of the Human Rights and Equal Opportunities Commission of his country, which had been established to guarantee the full enjoyment of rights by all without discrimination.

24. Another participant suggested that particular efforts should be made to reduce the socio-economic pressures on certain categories of migrant workers, such as seasonal, tied or project workers, which made them more willing to suffer unjust working conditions. Reference was also made to the status of the members of the family of a migrant worker in the event of separation, divorce or death of the head of the family. That status should be strengthened to ensure that the process of integration of the members of the family in the host country was not obstructed. In that connection, it was recommended by some participants that more studies and research be carried out regarding the phenomenon of migrant workers, since it was one that had not been fully explored. It was felt that, if all the parameters of the problem could be established, then the international community would be in a better position to develop norms thereon.

25. There was discussion under this item of the extent to which non-documented migrant workers should be allowed to enjoy the rights pertaining to regular migrant workers. Some participants pointed out that the rights to be enjoyed by migrant workers had to be counterbalanced by the interests of the host country. Several participants pointed out that, where States actively discouraged undocumented or irregular migration, non-documented migrants were likely to be particularly vulnerable to exploitation. They therefore held that only documented migrant workers should be able to enjoy all rights, while non-documented workers should enjoy only the fundamental freedoms to which they were entitled regardless of their civil status. Furthermore, the point was made that, in order to enjoy all rights, non-documented workers would have to be identified, documented and thereby run

43. UNESCO should be requested to continue its studies in order to find ways and means of enabling migrant children to adjust to the cultural environment of the community while at the same time protecting their cultural identity and balance.

44. The principle of integration should be strengthened, while the policy and practice of forced assimilation should be prohibited.

45. In the case of permanent or medium-term migrations, the principle of family reunion should be implemented.

46. Member States should take concrete legislative and administrative measures to facilitate equality of access to education and of educational opportunity for migrant workers and their children, and to improve their education.

47. Extrabudgetary resources should be allocated by the competent national authorities in order that concrete measures be adopted to facilitate equality of education and opportunity for migrant workers and their children and to improve that education, and to learn their mother tongue as well as to use it as much as possible.

48. The need should be recognized for increasing public awareness in host countries of the various cultures of migrant workers; for aiding the adaptation of immigrant families to their new surroundings; for education and vocational training for adult workers, both female and male, and the schooling of children in their native language and culture; for arranging, in the countries of origin, for the reintegration of returning workers and their families.

49. Programmes should be carried out relating to questions of cultural identity, education and social mobility of migrant workers by sponsoring studies on the impact of migration on the social structures of selected countries in different parts of the globe.

50. Every effort should be made by Member States of the United Nations to complete the drafting of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families, preferably not later than 1990, and, after its adoption by the General Assembly, to be ratified and implemented by Member States as soon as possible.

Chapter II

EXCHANGE OF INFORMATION ON THE CULTURAL LIFE OF MIGRANT WORKERS AND THEIR FAMILIES BETWEEN THE STATES OF ORIGIN AND THE HOST STATES OF MIGRANT WORKERS AND THEIR FAMILIES

A. Discussion

51. This item was discussed at the 9th meeting, held on 22 September 1989.

52. The item was introduced by Mr. Luis Angel Dominguez (Mexico), who made an oral presentation of the working paper (WP.3) which he had prepared for the seminar. In that paper, he stated that dialogue was particularly important between States on this subject so that all parties might understand the full dimensions of the phenomenon of migrant workers and adopt appropriate policies in that regard. He expressed support for the text of the draft convention for the protection of migrant workers and their families as it was evolving from the Working Group set up to draft it; the text, in his view, struck a fine balance between reality and the goals aimed at. The working paper discussed Mexico's experience with migrant workers and its relations with other States. A number of examples of exchange of information on this issue were provided. Talks had been held at the highest levels of government, a working group of representatives of the Mexican and other Governments had been established to discuss matters pertaining to migrant workers, and conferences and official visits had been organized between government officials. Cultural festivals had been organized, libraries and data banks for rapid access to information had been established, and there had been wide media coverage of the issue of migrant workers.

53. During the discussion, the question was raised as to which State should be responsible for the cultural life of migrant workers and according to what criteria. One participant pointed out that, although migrant workers paid taxes and contributions to one State, they remained citizens of another. The issue became more complex in the case of later generations of migrant workers who not only paid taxes in the host State but had also become citizens of that State, without any change in their cultural needs and ethnic identity. Complexities such as these led participants to agree that the cultural life of migrant workers was a dynamic concept and not one that could be rigidly categorized. Participants therefore suggested that the cultural life of migrant workers should be the responsibility of both host countries and countries of origin, as appropriate.

54. Participants were of the view that exchange of information on the cultural life of migrant workers was important for the integration or reintegration of migrant workers and their families. In that regard, a number of host countries and countries of origin made financial and other resources available to permit such an exchange. Information on the cultural life of migrant workers was disseminated by books, exhibitions, film-screenings and radio broadcasts. Children of migrant workers were helped to keep in touch with their culture by the organization of visits to their country of origin, the cost being borne by both State of origin and host country. In some instances, young children from the host country accompanied the children of migrant workers on such visits in an effort to encourage cross-cultural dialogue. One participant suggested that an effective means of encouraging

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cross-cultural dialogue would be to ensure that information on the cultural life of migrant workers was included in the curricula of national educational systems.

55. One particularly important method of promoting dialogue between peoples of diverse cultures was said to be the formation of associations of migrant workers. It was suggested that such associations should include not only members of low-skilled labour groups but also members of professional groups. One participant stated that some associations of migrant workers from her country, including mutual associations, had developed into substantial institutions. Some participants reported that the Governments of their countries and non-governmental organizations regularly sent specially trained experts and advisers to ensure the smooth flow of current information on the cultural life of countries of origin to associations of migrant workers.

56. One participant emphasized the importance of the link between religion and culture. That relationship was one that affected the daily lives of migrant workers and should therefore be further explored.

57. Another participant raised the point that the experience gained abroad by returning migrant workers could add to and enrich the culture of countries of origin.

58. The Rapporteur of the seminar, Mr. Björn Hammerberg (Sweden), summed up the discussion under the item.

B. Conclusions and recommendations proposed by
Mr. Björn Hammerberg (Sweden)

59. To the question whether there is a duality of interests between countries of origin and host countries, or whether those interests are complementary, the answer is that there are differences in emphasis on various aspects, but not conflicting interests.

60. Culture is not a static but a dynamic phenomenon. That is the process in which the immigrants themselves are engaged. Some aspects of a culture change more rapidly than others. For example, certain religious beliefs may not easily change. Religion is an important part of culture that should be noted.

61. The policies developed should always concentrate on the interests of the immigrants themselves, while taking account of the broader interests of the States concerned.

62. Maintenance and development of the cultural heritage of immigrants should be encouraged by both countries of origin and host countries. There should be dialogue and co-operation in those matters, involving immigrants themselves. That would also facilitate the voluntary return of some migrant workers and their families. By their experience in the host country, they would enrich their country of origin and its culture.

63. Cultural exchange within the host countries is essential to establish equality of opportunity and good ethnic relations. Common activities should be encouraged and practical experience of that kind should be spread. That is also important since in several countries most immigrants have been resident for a long time and the majority of them are expected to stay.

Chapter III

EXPERIENCE IN THE ESTABLISHMENT OF INSTITUTIONS AND/OR PROCEDURES IN THE STATES OF ORIGIN AND THE HOST STATES FOR THE SPECIAL NEEDS INCLUDING SOCIAL, HEALTH AND OTHER SERVICES, OF MIGRANT WORKERS AND THEIR FAMILIES

A. Discussion

64. This item was discussed at the 7th and 8th meetings, held on 22 and 23 September 1989.
65. The item was introduced by Mr. Tomas Achacoso (Philippines), who made a brief oral presentation of the background paper (BP.4) which he had prepared for the seminar. In that paper he had reviewed the establishment of institutions and procedures set up in the Philippines or by the Government of the Philippines to cater to the special needs of migrant workers.
66. Mr. Achacoso gave a brief exposé of the Asian and, in particular, Philippine experience regarding the phenomenon of migrant workers. He pointed out that many developments at the international level regarding the question of migrant workers reflected predominantly European concerns and were therefore, owing to the diversity in socio-economic development achieved by different countries of the world, largely irrelevant to large groups of the world's migrant workers. Two informal meetings at the international level had addressed the Asian perspective of the question of migrant workers, but by their very nature they had been unable to result in the adoption of concrete conclusions and recommendations. Insufficient international attention to Asian concerns was a major reason why some Asian countries, including the Philippines, relied mostly on bilateral agreements with foreign States for the protection of their migrant workers.
67. One participant fully endorsed the importance of bilateral agreements as a tool for protecting the rights of migrant workers.
68. A number of participants from outside the Asian region indicated that the Governments of their countries also concluded bilateral agreements with other States with a view to protecting migrant workers and their families. In particular, it was felt that such agreements made it possible to provide for any special needs or interests of individual groups of migrant workers. In addition, the view was put forward that bilateral agreements could provide quick procedures for the regulation of certain administrative problems in connection with migrant workers, thereby bypassing cumbersome bureaucratic machinery. One participant mentioned that, in establishing goals and formulating policies in this field, States should strive for a balanced approach between rights and obligations, whether on the part of migrant workers or on the part of host countries.
69. With reference to facilities for migrant workers in host countries, the seminar discussed the desirability of providing them through institutions or procedures developed exclusively for that purpose. Some participants expressed the view that it was preferable for migrant workers to use existing structures, because that would promote their rapid integration into the local community. Most participants, however, felt that, owing to the linguistic and

cultural impediments faced by migrant workers, it was preferable that they should have their own institutions, where specially trained staff could cater to their needs. One participant pointed out two drawbacks to that approach. The development of special institutions created friction with existing institutions for social welfare; hence, whenever migrant workers approached the latter for assistance, they received a cool or hostile reception. Moreover, since migrant workers derived so much comfort from their special institutions, they were prone to use them much more than had usually been anticipated, especially as information and welcome centres, thereby imposing a greater burden on available resources. Another participant suggested that host countries might endeavour to employ specially trained personnel, perhaps of the same extraction as the migrant workers, in existing social welfare structures to advise and assist immigrants.

70. Participants observed that host countries often conducted programmes to increase the awareness of migrant workers of their rights and entitlements in an effort to assist their integration. That had often taken the form of audio-visual campaigns especially designed with particular target audiences in mind. In one country, the integration of migrant workers was greatly assisted by the establishment of contracts between the State and local communities for the allocation of certain resources for the integration of immigrants. Such contracts benefited the local communities concerned financially and obliged them to give every assistance to migrant workers proposed for settlement in their area. Many participants who were familiar with that scheme felt that it had been largely successful.

71. Host countries of migrant workers were reported by many participants to have adopted a number of other measures aimed at providing for the needs and welfare of the immigrants. In one country, there existed a commission against ethnic discrimination which could act to prevent discrimination in society. In addition, many host countries funded associations, exhibitions and other activities aimed at enabling migrant workers to maintain cultural links with their country of origin. For example, joint projects between host countries and countries of origin had been established whereby the children of migrant workers were able to return home for a summer camp in order to imbibe their native culture.

72. A number of participants debated the best method of educating the children of migrant workers. Some participants felt that, in order to encourage the integration of students, teachers could be recruited in the host countries who were trained to cater to the needs of the children of migrant workers. It was suggested that countries of origin could advise on the training of the teachers and the establishment of curricula. Other participants, however, were of the view that it was better to have teachers sent from the countries of origin of the migrant workers. It was felt that that approach would enable the students to maintain stronger links with their culture. Some participants pointed out that the training of bilingual teachers in host countries did not ensure effective teaching and that, if the sending of teachers from countries of origin was not seen as inhibiting the integration of students in host countries, then that approach was to be preferred.

73. One participant gave the example of a country in which immigration and legislative policies were militating against the interests of migrant

workers. It was suggested that, as a result of the severity of that country's policies, and the uncertainty which they cause in the minds of the migrant workers, unscrupulous employers were able to take advantage of those workers. Some participants pointed out that such situations had led some countries of origin to open special consulates or appoint staff from their missions or consulates to guard against abuse of their citizens abroad. Some consulates and missions had been instructed, where necessary or appropriate, to enter into procedures for the settlement of disputes on behalf of their citizens.

74. Information was provided to the seminar regarding other measures taken by countries of origin to safeguard the conditions of employment of their citizens abroad. A major development was said to be the establishment of strict procedures whereby, before a worker was allowed to emigrate, the State authorities had to inspect and endorse the terms of his contract of employment, as well as to investigate and seek references on his future employer. In addition, the worker was provided with detailed information regarding living conditions in the area to which he was migrating and told of the rights he might be able to enjoy on his arrival. Some participants were of the opinion that such close supervision of the flow of migrant workers would result in fewer instances of abuse.

75. It was also pointed out that States of origin had major obligations regarding the domestic needs of migrant workers. Thus, in some States, migrant workers could elect a Member of Parliament to voice and pursue their interests in their country. Examples of the issues of concern to them were given to the seminar. Migrant workers wished to be able to continue to participate in the social security system of their country, even while they were working abroad, as that enabled them to claim a pension in their country of origin when they retired. In certain parts of the world, migrant workers preferred to migrate alone and send money home to their families. The welfare of their families was thus of paramount concern to them. It was reported that the authorities in countries of origin affected by such a phenomenon had developed local institutions to provide for the social and medical welfare of those families. It was further reported that the care extended to the families was often made possible through co-operation between the systems of social welfare in the host country and the country of origin of the migrant worker. The funds available for such care were often supplemented by appeals for cash, medicine and material, especially to workers abroad. The possibility of sending remittances to their families was also of particular importance to such migrant workers. It was reported that while in some cases remittances reached families smoothly, in others there were great delays.

76. A further issue of great concern to migrant workers was the possibility of returning to their country and the process of reintegration therein. Participants were interested to note that both States of origin and host States had detailed programmes to assist in the reintegration of migrant workers. Countries of origin, in particular, were reported to be keen to encourage the return of migrant workers, who would be able to apply their skills and experience in the development of their economies. Programmes for the return of migrant workers were reported to include financial assistance for relocation, reservation of housing for returning migrant workers, provision for returning with possessions free of tax, financial assistance and advice for those seeking to open a business on their return and schools for children not able to speak the language of their country of origin.

77. Mr. Tomas Achacoso (Philippines), who had introduced the item, summed up the debate which had taken place under the item.

B. Conclusions and recommendations proposed by
Mr. Tomas Achacoso (Philippines)

Conclusions

78. The United Nations, in particular the Commission on Human Rights, and the International Labour Office, have acted vigorously and impressively in the area of migration. This is clearly manifest from the numerous conferences and research studies that have been translated into international principles, norms, recommendations and conventions. The European experience on migration has become the principal focus of all those activities owing to the vast exposure and responses of European countries to the issues, problems and prospects of migration.

79. The universal applicability of such norms and conventions has undoubtedly benefited numerous labour-sending countries. However, migration in the Asian context differs vastly from the European experience. For instance, the seminar has the enviable task of discussing such agenda items as participation of migrant workers and their families in the public affairs of host countries, including the right to vote and to be elected; educational facilities and programmes for families of migrant workers; cultural life of migrant workers. The very nature of these topics indicates the advanced state of developmental issues that international agencies are currently considering. Such efforts are of course very laudable but, when taken in the context of current Asian experience of migration, appear irrelevant and hollow.

80. Today, most Asian labour-sending countries are concerned with the extension of the most elementary rights and privileges of their workers. They have not reached the stage of development where both parties in the process are able to face each other at a table and co-operate not only in discussing the issues and problems but also in formulating recommendations that would be of mutual benefit.

81. The unintended "benign neglect" is due partly to the Eurocentric concentration of issues and concerns. The various committees charged with formulating norms and conventions for universal application are composed of experts and representatives of European and African nations, with hardly any from Asian labour-sending countries, much less from countries that play host to Asian workers.

82. Furthermore, the UNDP/ILO Asian Regional Programme on Migration was given very limited support for the two years 1987-1988. Its future will rest on shaky foundations unless the United Nations decides to allocate more resources to that programme.

Recommendations

83. The United Nations and the specialized agencies should realize the urgent need to include, in their various committees of experts and participants, representatives from Asian countries of origin and host countries of Asian migrant workers.

84. The United Nations and the specialized agencies should serve in a more active capacity as catalysts in calling for regular discussions and consultations between Asian countries of origin and host countries of Asian migrant workers.
85. The UNDP/ILO Asian Regional Programme on Migration should not only be sustained but additional support should be extended.
86. The United Nations and the specialized agencies should increase the flow of information not only between Asian countries of origin and host countries of Asian migrant workers but also between the Asian region and other regional groupings.

Chapter IV

DISCRIMINATION EXPERIENCED BY MIGRANT WORKERS AND THEIR FAMILIES WITH REGARD TO EDUCATIONAL FACILITIES AND TEACHING PROGRAMMES AND SCHOOL CURRICULA

A. Discussion

87. This item was discussed at the 2nd to 4th meetings, on 19 and 20 September 1989.

88. The item was introduced by Mr. Danilo Türk (Yugoslavia), who outlined the contents of the background paper (BP.2) which he had prepared for the seminar.

89. In that paper, he had analysed a number of international norms relevant to the educational facilities offered to migrant workers and their families and observed that integration in the society of the host country and maintenance of the ethnic identity of the immigrants were dual concerns fundamental to the evolving international law in that field. He questioned the possibility of integrating immigrants without assimilating them and suggested that access to proper education or training, enabling the immigrants to obtain more rewarding types of employment, was fundamental to the possibility of integrating them into the society of the host country. Referring to the results of research carried out by OECD, indicating the lack of success enjoyed by immigrants in the educational systems of the host countries, he concluded that such results showed that the exclusion of immigrants from the society of host States started early in the lives of the immigrants or their children.

90. The view was expressed that, although the formalizing of fundamental rights was necessary, that in itself was not sufficient to eliminate discrimination. It was suggested that Governments should also adopt measures designed to prevent discrimination, for instance within the context of a programme of affirmative action. One participant stated that the Government of his country had taken steps to facilitate the naturalization of long-term resident aliens, attempted to ensure an equitable distribution of socio-economic resources and monitored the administration of justice in order to provide true equality of opportunity for immigrants in his country.

91. One participant drew attention to ILO Convention 143 adopted in 1975 which, despite the passage of many years, had so far been ratified by only 15 countries. In that connection, he stressed the importance of realistic and relevant standard-setting, i.e. standards should not be set so high as to be attainable by only a few countries in the long run, nor should they be set so low as to be largely meaningless.

92. Some participants were of the view that the socio-economic level of immigrants on arrival often affected their ability to succeed or integrate in the society of host countries. It was suggested that those of a lower level were quicker to abandon attempts at education because of lack of success, in order to work and contribute to the income of the family or simply because they found education too expensive. It was stated that even those who persevered in the educational system managed to acquire only fairly elementary skills, enabling them to obtain menial employment. In the opinion of one

participant, the concentration of immigrants in menial areas of employment, often part of a declining sector of the economy, tended to militate against integration.

93. According to some participants, the attitude of the authorities of certain countries was also partly responsible for the inability of migrants to integrate. The practice of host countries of offering financial incentives to immigrants to return to their countries of origin, and the difficulty involved in obtaining work permits, were highlighted as factors that made migrant workers insecure and inhibited full integration. The attitude of migrant workers was also observed as impeding integration. By encouraging their families to believe that they would soon return to their country of origin, migrant workers led their families to take a short-term view of their host countries. Their children thus did not make the effort to integrate socially or succeed in the educational system of the host country, believing that they would do so when ultimately they returned home. It had often been observed that migrant workers repeatedly postponed their decision to return home, with the result that they, together with their families, might remain in the host country for long periods without even trying to integrate. Furthermore, as a result of that short-term view, migrant workers often did not go home on holidays, believing they would soon return for good, and ultimately began to lose touch with their roots.

94. In view of the foregoing, participants generally agreed on the need for measures to stimulate and encourage the integration of migrant workers in host countries. It was suggested by many that bilingual education would enable immigrants to keep in touch with their culture while giving them the opportunity to integrate in the new society. Some participants maintained however that, although such a policy could be of relevance to the education of migrant workers and their families, its importance should not be overestimated.

95. One participant suggested that policies of mutual or reciprocal adaptation be pursued to promote integration. With such a policy, not only would the immigrants try to adapt to their new surroundings but the authorities would also adapt their policies to suit the immigrants. By way of example, special community schools and teacher training could be developed to ensure that students received the most appropriate education. Such a policy could be established in both host countries and countries of origin of migrant workers, in order to facilitate the reintegration of any who chose to return. In both cases, teachers should co-operate and take into account one another's programmes in forming curricula that would be most appropriate for their students. In addition, the authorities of both country of origin and host country should be jointly responsible for the establishment and maintenance of policies aimed at assistance to migrant workers.

96. Some participants stressed the need for the seminar to ensure that, in coming to conclusions and making recommendations, it took into account the diverse socio-economic conditions obtaining in the various regions of the world. It was important that policies were not recommended which would be wholly inappropriate for certain groups of the world's population.

97. Mr. Danilo Türk (Yugoslavia), who had introduced the item, summed up the debate which had taken place under the item.

the risk of expulsion. Other participants however stated that it was workers in irregular situations that were most in need of protection and should thus be afforded the enjoyment of all rights to which regular migrant workers were entitled.

26. Mrs. Erica-Irene A. Daes (Greece), who had introduced the item, summed up the discussion. International norms and measures existed which constituted the basis of principles relating to the humane treatment and human dignity as well as to the effective protection of migrant workers and their families. However, there was need for greater research concerning the phenomenon of migrant workers, with particular emphasis on the survival of their cultural heritage and cultural identity. Although the Universal Declaration of Human Rights was now considered to form a part of customary international law, there was need for the adoption of additional international norms and measures and examination of the effectiveness of existing norms. For the purpose of the seminar, the term "migrant workers" meant "a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national" (art. 2, para 1, of the text of the draft convention for the protection of migrant workers and their families as adopted during the second reading by the Working Group set up to draft it).

B. Conclusions and recommendations proposed by
Mrs. Erica-Irene A. Daes (Greece)

Conclusions

27. Migrant workers and their families are equal in human dignity and rights with all other human beings.
28. There is a body of international norms relating to the treatment and protection of migrant workers and their families.
29. Among the purposes and the principles of the United Nations Charter are: "to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion," and "to be a centre for harmonizing the actions of nations on the attainment of these common ends."
30. The Universal Declaration of Human Rights, proclaimed to be a common standard of achievement for all peoples and nations, today constitutes a part of international customary law.
31. The International Covenants on Human Rights, the International Convention on the Elimination of Racial Discrimination and other relevant United Nations human rights instruments contain important norms which constitute the foundation for the acceptance of basic principles relating to the treatment and protection of migrant workers and their families.
32. The Statute of the International Labour Organisation and a number of ILO conventions and recommendations are relevant to the subject-matter. The most important of them are: Migration for Employment Convention (Revised) No. 97 of 1949; Migration for Employment Convention (Revised) No. 86 of 1949;

Protection of Migrant Workers (Underdeveloped Countries) Recommendation No. 100 of 1955; Migrant Workers (Supplementary Provisions) Convention No. 143 of 1975. Also certain conventions dealing with social security matters concerning migrant workers, e.g. Equality of Treatment (Social Security) Convention No. 118 of 1962.

33. The UNESCO Convention against Discrimination in Education of 1960 contains provisions on which principles and guidelines on education can be based and educational and cultural measures can be adopted.

34. A number of relevant instruments of intergovernmental organizations adopted at the regional level can also be taken into consideration for the acceptance of relevant basic principles: the European Convention on Human Rights, the Treaty of Rome establishing the European Economic Community, etc.

35. Bilateral agreements, which have promoted the movement and the treatment of migrant workers and have concentrated on specific issues such as recruitment, supervision of contracts of employment, facilitation of departure and reception, equal pay with nationals for equal work, family reunion, social security, accidents at work, unemployment insurance, educational programmes, school facilities and cultural activities, might further be used as additional sources for the adoption of relevant principles.

36. The principles of equality and non-discrimination offer a basis for further standards, institutions and measures for a more effective protection of the migrant workers and their families.

37. The principle of non-discrimination, initially reflecting the efforts of the international community to outlaw racial discrimination, is now clearly seen as having wider scope and, in international law, refers to distinctions which are unjustifiable or arbitrary.

38. Different treatment, as such, may be in certain cases lawful, but only: (a) if the distinction is made in pursuit of a legitimate objective, (b) if the distinction does not lack an objective justification, and (c) provided that reasonable degrees of proportionality exist between the means and the aims to be achieved.

Recommendations

39. The principles of equality and non-discrimination should always prevail.

40. Additional positive steps should be adopted for the promotion and protection of the right to education and cultural rights in general for migrant workers, their husbands or wives and children.

41. For effective protection, rights require, among other things, a procedural framework, based on the process and the rule of law.

42. ILO should be requested to consider setting up an ad hoc group of experts to follow closely the implementation of the provisions of instruments protecting the rights of migrant workers. Basic legal guarantees should also be provided in matters of greatest concern to migrant workers, including termination of employment, non-renewal of work permits, promotion and above all non-expulsion.

B. Conclusions and recommendations proposed by
Mr. Danilo Türk (Yugoslavia)

Conclusions

98. The seminar emphasized the fundamental and universal importance of the principle of equality and non-discrimination regarding universally applicable human rights.
99. Situations in different regions were dealt with: Europe and North Africa, Asia, West Africa, Latin America. There was diversity of opinion as regards the practical problems.
100. The need for equality of opportunity for migrant workers and their children in the host country was reaffirmed.
101. Education plays a catalytic role: it is essential for integration (in all fields) of migrant workers and their families into the society of the host country.
102. Education must be seen in the broader context of the position of migrant workers, which includes employment, housing, culture, etc. Integration is desirable on the basis of reciprocity (migrants and host country).
103. There was recognition of the importance of the evolving international standards relating to migrant workers, which were not simply a restatement of basic human rights that had to be respected but also policy goals and guidelines which should facilitate the realization of human rights. Those standards should be both attainable and relevant.
104. Education (its quality and effects) depends on the social status of immigrants. Equality of opportunity and stimulation of upward mobility should be a matter of policy of the Governments of host countries.
105. Teaching of the language(s) of the host country is of crucial importance: (a) for academic success and understanding of the culture of the host country; (b) for obtaining better jobs; (c) for integration into society. That must be accepted by the Governments of host countries and by migrant workers themselves.
106. Educational systems have to be adapted to meet this need. A variety of experience exists, none of which being fully satisfactory. Active support by the Government of the host country is always needed (different forms of support were mentioned by participants).
107. The problem of education (as a part of the integration process) is a social rather than a cultural and linguistic one: the results achieved by children of migrant workers are comparable with those of other pupils from the same social class.
108. It was recognized that sending children of migrant workers to special schools was not a solution. Other methods had to be developed (there was already a body of experience).

109. Maintenance of the identity of the children of migrant workers is very important: only a stable personality can achieve the objectives of contemporary education programme. A variety of forms of activity exists.

110. With regard to new problems: family reunion should not lead to the use of methods that have proved to be unsatisfactory.

111. Different types of migration should not lead to differentiation regarding the recognition of basic human rights (e.g. the right to education), but should be seen as calling for appropriate practical solutions (e.g. in West Africa).

112. Further studies on migration, and on educational needs in that framework, should take into account broader population problems, problems of environment and development, etc.

Recommendations

113. States should accede to existing (and new) instruments.

114. Governments should take conclusions 105 to 108 into account when formulating national policies.

115. Better co-ordination is needed between international organizations, including regional organizations. The role of non-governmental organizations should be strengthened.

116. Bilingual education should be further studied - at the present seminar and in the future - in the light of experience in different parts of the world: Europe (Sweden, Federal Republic of Germany); Asia (India, Philippines); Australia, etc.

117. A multicultural approach goes even farther and should also be studied in the light of experience in Europe (Netherlands), Australia, etc.

Chapter V

PARTICIPATION IN PUBLIC AFFAIRS, INCLUDING THE RIGHT TO VOTE AND TO BE ELECTED, AS WELL AS THE RIGHT TO FREEDOM OF ASSOCIATION AND THE RIGHT TO JOIN TRADE UNIONS IN THE HOST STATE AND THE STATE OF ORIGIN

A. Discussion

118. The item was discussed at the 5th to 7th meetings, held on 20 and 21 September 1989.

119. The item was introduced by Mr. Bengt Lidal (Sweden), who presented a brief oral summary of the contents of the background paper (BP.1) which he had prepared for the seminar. In that paper, he had divided the item into three segments: (a) participation in public affairs, (b) right to freedom of association, and (c) right to join trade unions. He had then analysed international norms relevant to those issues and examined national policies in that regard. He had also expressed the view that he saw no intrinsic reason why the rights under consideration in connection with this item should not be viewed as applicable to non-documented migrant workers.

120. A participant analysed the situation of non-documented migrant workers as follows: they often migrated illegally for fear that they would not be granted an entry permit by the host country and, once within the country, they were afraid to regularize their stay for fear of deportation. He pointed out that, with the knowledge of that fear in mind, unscrupulous employers were able to exploit and take advantage of the immigrants.

121. On the basis of that analysis, there was broad agreement in the seminar for the general proposition that non-documented migrant workers should not be left totally unprotected. However, although some participants considered that there should be no distinction as regards the rights to be enjoyed between regular and non-documented migrant workers, others argued that the latter should receive only a minimum of protection: non-documented migrant workers should be accorded their fundamental rights on the basis of their entitlement to them as human beings, but any special workers' rights should be accorded only to workers in a regularized situation.

122. One participant thought that migrant workers from his country should participate in local politics only to the extent that they were directly affected, but most participants thought that migrant workers should seek and be accorded the right to participate in the public affairs of host countries. Some participants gave examples indicating that migrant workers could be employed in the civil service of host countries and could be elected or appointed to serve on policy advisory bodies concerned with their rights or with the management of the community as a whole.

123. Many participants pointed out that in some countries foreigners were never allowed to vote, while in many countries immigrants were allowed to participate in local elections but not in elections to the national parliament. It was noted that some countries allowed the enjoyment of that right only on the basis of reciprocity. However, where enjoyed, countries often implemented programmes designed to inform immigrants about the issues involved and the method of voting, and sought to encourage their active

participation. Although no strictly logical reason was put forward for restricting certain or all voting rights to nationals of the host country, many participants observed that there was a general association in the minds of many people between citizenship and suffrage.

124. Some participants agreed that acquisition of the citizenship of the host country was a possible solution to that problem and pointed out that naturalization policies in some countries had been relaxed with that end in mind. It was pointed out that in one country the naturalization procedure did not even require that the applicant should be able to speak the native language. Other participants, however, questioned the appropriateness of acquiring citizenship in order to enjoy voting rights. They pointed out that many countries did not recognize or allow dual citizenship and that, even where allowed, such a phenomenon would lead to problems with taxation, social security and the performance of such social obligations as military service. It was also viewed as a means of trying to assimilate migrant workers by denying differences which in fact existed. Another participant said that those problems could be resolved through bilateral agreements, and pointed out that preservation of the nationality of origin was of great importance for the maintenance of the identity of migrant workers and members of their families in case of naturalization. In addition, it was reported that few migrant workers were favourably disposed to acquiring another nationality simply in order to be able to enjoy rights which they might in any case be granted. Some participants considered that acquisition of citizenship was a solution that should be reserved for second, third and subsequent generations of migrant workers. With specific regard to voting rights, it was felt that residence, and not citizenship, should be viewed as the fundamental issue.

125. The right of migrant workers to participate in elections conducted in their States of origin was preserved by many States. Ballots were cast by post or through local missions or consulates. However, some host countries were reported to prohibit such participation on the grounds that the campaigning involved might cause tensions and divisions which they wished to avoid. In addition, it was stated that election campaigns in some States of origin were carried out with greater ardour than was considered appropriate in other countries which, in order to avoid a disturbance of peace and order in their communities, prevented the conduct of such election campaigns on their own soil. Some participants wondered to what extent host States could assist migrant workers to vote in elections in their States of origin and asked for a study to be carried out on the subject.

126. With regard to the right of migrant workers to form or participate in general associations, the view was put forward that such organizations enabled migrant workers to assert their right to be different and to affirm their cultural identity. It was believed that the confidence which they gained thereby greatly assisted the process of integration into society. In addition, it was stated that it was easier to communicate with migrant workers as a community where there was effective group representation. In some countries, the existence of immigrant organizations was considered desirable in order to help the authorities to formulate and implement appropriate policies.

127. In view of those considerations, a number of States of origin and host countries were said to have encouraged the formation of associations of migrant workers by carrying out special programmes to promote their establishment or maintenance. Those programmes had often taken the form of publicity campaigns, provision of funds and provision of advisers to the associations. Such support had also often been extended by non-governmental organizations, both religious and secular. In view of the importance of the functions of such associations, some participants suggested that host countries should co-operate with countries of origin in the selection of and provision of training for leaders of the associations.

128. One participant questioned the usefulness of associations of migrant workers, since in his opinion it was not always clear which organizations were truly representative of migrant workers as a whole and could not therefore be relied upon as an effective means of communication. He also suggested that, rather than promote integration, they hindered it because migrant workers were encouraged to associate closely only with their own kind. To promote integration, it was preferable for all immigrants to participate in existing local structures.

129. Participants took the view that migrant workers should be able to join trade unions, both in their State of origin and in their host country. It was pointed out that migrant workers were often very active in the trade unions of host countries and were also elected to positions of responsibility therein. One participant suggested that trade unions were sometimes insensitive to the needs of migrant workers and said that the Government of his country took steps to ensure that the unions took the interests of those workers into account. It was observed that such actions were not solely based on the altruism of Governments. Some Governments took the view that migrant workers formed part of the resources of the country and, in order to derive maximum benefit from them, should be well managed. Many Governments were of the view that workers performed best when organized within a labour movement and given the opportunity to express themselves.

130. It was suggested that it would be useful to prepare a study on the participation of male and female foreign workers in the trade unions of the host country. The study should deal with the attitudes of unions towards foreign workers.

131. Mr. Bengt Lidal (Sweden), who had introduced the item, summed up the debate on the item.

B. Conclusions and recommendations proposed by Mr. Bengt Lidal, (Sweden)

132. The right to join - and form - unions is inscribed in a number of international instruments, widely ratified by United Nations Member States. This right is accorded also to migrant workers, and there is reason to believe that migrant workers need the protection of a trade union at least as much as most other workers. Migrant workers should therefore be informed of their right in this respect and encouraged to make use of it. Such promotional activities are to a large extent the responsibility of trade unions, but there is room for government incentives in the form of support, financial and otherwise, to trade unions in their efforts to attend also to migrant workers' interests.

133. Active participation in trade unions opens a way to migrant workers' participation in public affairs and to integration into the society of the host country, especially in countries where trade unions are called upon to play a role in public affairs and public administration, e.g. in the labour market, in occupational safety and health, in education and training and in social security matters.

134. Migrant workers and members of their families should be granted not only the right but also the opportunity to form and join organizations of their own. The existence of such organizations can render great support to their members linguistically, culturally, socially and psychologically and help them, on the one hand, to preserve their cultural identity and, on the other, to make them active partners in the society of the host country. Both States of origin and host countries recognize the important role played by migrant workers' associations for the welfare of migrant workers and their families, and for this reason the Governments of all the States concerned should continue to give effective support to such organizations without interfering in their internal affairs.

135. In a necessary dialogue between migrant communities and the authorities of the host country as well as the State of origin, migrant workers' associations can play an important role corresponding to their contribution, economic and otherwise, to the States concerned, e.g. by electing members to consultative bodies set up by the State or by municipalities, as the case may be.

136. Competent non-governmental organizations of the host country also have an important role to play in the integration process if the migrant workers and their families wish to take an active part in the life of that country. Governments of the host countries should encourage an open-minded attitude and non-discriminatory practices among non-governmental organizations and the public in general so that migrant workers and their families may be given the opportunity to take part in a country's life on the same conditions as nationals.

137. With regard to political rights, the right to vote and to be elected is in most countries reserved to citizens. Most States of origin grant, or wish to grant, such rights also to nationals abroad. In cases where host countries hinder the exercise of voting rights of migrants in their territories, the States concerned should seek ways and means to eliminate such hindrance.

138. A number of host countries have granted or consider granting voting rights, both active and passive, to migrants in local elections, thereby providing them and their families with a concrete opportunity to take part in public affairs at a level of immediate interest to them.

139. As an alternative to giving voting rights to foreign nationals, a number of host countries have introduced more liberal naturalization practices and even encourage applications for citizenship. Such policies can be pursued more successfully if the States concerned accept dual citizenship, but the views of States on that subject differ greatly.

140. The United Nations and the specialized agencies should continue to keep under review the developments taking place with regard to the situation of migrant workers and their families, in particular their participation in public affairs and their right to freedom of association.

141. Host countries as well as States of origin should continue to discuss, within and outside the United Nations system, the situation of migrant workers and their families and consider, multilaterally, regionally or unilaterally, as appropriate, further measures to improve it, thereby realizing the ideals set forth in the United Nations instruments on human rights.

Chapter VI

CONCLUSIONS AND RECOMMENDATIONS ADOPTED BY THE SEMINAR */

A. Conclusions

142. There is a body of international norms relating to the treatment and protection of migrant workers and their families: the United Nations Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of Racial Discrimination and other relevant United Nations human rights instruments.

143. A number of conventions are relevant to the subject-matter. A number of relevant instruments of intergovernmental organizations adopted at the regional level can also be taken into consideration.

144. The fundamental principle of equality and non-discrimination regarding universally applicable human rights is the basis for the protection of migrant workers and their families.

145. Different treatment, as such, may in certain cases be lawful, but only: (a) if the distinction is made in pursuit of a legitimate objective, (b) if the distinction does not lack an objective justification, and (c) provided that reasonable degrees of proportionality exist between the means and the aims to be achieved.

146. Recognition of the importance of the evolving international standards relating to migrant workers must not mean the mere restatement of basic human rights, but must lead to policy goals and guidelines for the States which facilitate the realization of human rights. Those standards should be both attainable and relevant.

147. Governments of host countries should recognize the importance of evolving international standards in respect of a procedural framework based on the process and rule of law, which will provide basic legal guarantees in those matters that are of greatest concern to migrant workers. Particular attention should be given to the issues of termination of employment, non-renewal of work permits and non-expulsion. Particular attention should also be given to the situation of members of the families of migrant workers living in the host country, in the event of divorce or death of the migrant worker.

148. Culture is not a static but a dynamic phenomenon for the immigrants. Some parts of the culture change more rapidly than others.

149. The maintenance and development of the cultural heritage facilitates the voluntary return of some migrant workers and their families. By their experience in the host country, they constitute a source of enrichment of the country of origin and its culture. Cultural exchange within the host countries is essential to the establishment of equality of opportunity and

*/ These conclusions and recommendations relate to migrant workers in a regular situation.

good community relations and for the cultural enrichment of the host countries. In this context it should be noted that in some countries most immigrants have been resident for a long time and the majority of them are expected to stay. There may be differences in emphasis by countries on various aspects of cultural life, but all States have common interests.

150. Education has a catalytic role. It is essential for integration (in all fields) of migrant workers and their families into the society of the host country. Education is a part of a broader picture of the position of migrant workers, which includes employment, housing, culture, etc.

151. Education (its quality and effects) depends on the social status of immigrants. Equality of opportunity, among other things in employment, and stimulation of upward mobility should be a matter of policy of Governments of host countries.

152. Learning of the language(s) of the host country is of crucial importance for academic success and understanding of the culture of the host country, for obtaining better jobs and for successful integration into society. This must be accepted by the Governments of host countries and by migrant workers themselves. Educational systems have to be adapted to meet the need. A variety of experiences exist, none of them fully satisfactory.

153. The problem of education (as part of the integration process) is social rather than cultural and linguistic. However, the children of migrant workers also encounter difficulties which must be met by special measures.

154. It is recognized that sending children of migrant workers to special schools is not a solution. Other methods have to be developed.

155. Maintenance of the identity of children of migrant workers is very important since only a stable personality can achieve the objectives of contemporary education programmes. A variety of forms of activity exists.

156. Bilingual education is important in this respect. Different regional experiences from a number of countries exist and should be further studied. There are also experiences of multicultural approaches that go even further.

157. Migrant workers and members of their families should be granted not only the right but also the opportunity to form and join associations of their own. The existence of such organizations can render great support to their members linguistically, culturally, socially and psychologically and help them, on the one hand, to preserve and develop their cultural identity and, on the other, to make them active partners in the society of the host country. Both States of origin and host countries recognize the important role played by migrant workers' associations in promoting the welfare of the workers and their families.

158. In the necessary dialogue between migrant workers and the authorities of the host State as well as the State of origin, migrant workers' associations can play an important role, e.g., by electing members to consultative bodies set up by the State or by municipalities, as the case may be.

159. The right to join - and form - trade unions is inscribed in a number of international instruments, widely ratified by United Nations Member States. This right is accorded also to migrant workers, and there is reason to believe that migrant workers need the protection of a trade union at least as much as most other workers.

160. Especially in countries where trade unions are called upon to play a role in public affairs and public administration, e.g. in the labour market, in occupational safety and health, in education and training and in social security matters, active participation in trade unions opens a way to migrant workers' participation in public affairs and more effective involvement in the life of the host State.

161. The competent non-governmental organizations of the host State also have an important role to play in the integration process if migrant workers and their families are to take an active part in the life of the host State.

162. With regard to political rights, the right to vote and to be elected is in most countries reserved to citizens. Several States of origin grant, or wish to grant, such rights also to nationals abroad.

163. Some host countries have granted or consider granting voting rights, both active and passive, to migrant workers in local elections, thereby providing them and their families with a concrete opportunity to take part in public affairs at a level of immediate interest to them.

164. As an alternative to granting voting rights to migrant workers, a number of host countries have introduced more liberal naturalization practices and even encourage applications for citizenship.

B. Recommendations

165. States are called upon to consider acceding to international instruments concerning the rights of migrant workers and their families, including ILO Conventions 143 and 97.

166. Member States of the United Nations are called upon to finalize as soon as possible an international convention on the protection of the rights of all migrant workers and their families.

167. Efforts should be made to promote dissemination of information on the rights of migrant workers and their families covered by international instruments and to integrate these subjects in the training of officials who come into frequent contact with foreigners.

168. The Governments of host countries are called upon to sensitize the general public to the need to secure the full and effective involvement of migrant workers and their families in the society by all necessary means.

169. Governments of host countries are called upon to promote inter-community activities between migrant workers and the local population. Useful and relevant examples of such activities should be widely disseminated.

170. The need for practical measures for the reintegration of returning migrant workers into their country of origin should be recognized.

171. Host countries are called upon to use all possible means to facilitate the exercise by migrant workers of voting rights in elections in their country of origin.
172. Host countries are called upon to consider, where possible, extending to migrant workers the right to vote and to stand for election.
173. Governments of all States concerned are called upon to encourage the social and cultural activities of migrant workers' associations.
174. Governments of host States are called upon to encourage non-governmental organizations to strengthen their efforts to make it possible for migrant workers and their families to take part in their activities on an equal footing with nationals.
175. Migrant workers should be informed of their right to join trade unions and be encouraged to do so.
176. Host countries and countries of origin are called upon to consider adopting positive steps for the education, training and employment of migrant workers and their families. All measures and services, including employment services, available to nationals should be equally accessible to migrant workers and to their families, in conformity with international agreements on this point.
177. The educational systems of host countries should be encouraged to develop policies designed to facilitate the successful linguistic incorporation of migrant workers and their children while encouraging the maintenance and development of the relevant language and culture of their country of origin.
178. Countries of origin and host countries are called upon to encourage the participation of migrant workers and their families in the cultural life of the host country. Host countries and countries of origin should jointly support the maintenance and development of the cultural identity of migrant workers and their families. Furthermore, the culture of the country of origin should be disseminated and explained within the host country in order to contribute to mutual enrichment and understanding.
179. The right to family reunion should be implemented, especially in the case of permanent or medium-term migration.
180. The United Nations and its specialized agencies are called upon to continue to study the situation of migrant workers and their families.
181. International and regional organizations active in the field of migration are called upon to improve their co-ordination.
182. The United Nations and the specialized agencies are called upon to encourage, within their mandates, regular dialogue and consultations between countries of origin and host countries.
183. Agreements or arrangements between States for protecting the rights of migrant workers and their families should be encouraged.

Chapter VII

ADOPTION OF THE REPORT AND CLOSING OF THE SEMINAR

184. The present report was adopted unanimously at the final meeting of the seminar, on 26 September 1989.

185. At that meeting, Mr. Mikhail Vezel, Chief, Advisory Services Section, Centre for Human Rights, made concluding remarks on behalf of the Secretary-General; Mr. Ilias Katsareas, Ambassador for the Government of Greece, gave the closing address on behalf of the Government of Greece; and Mrs. Erica-Irene A. Daes (Greece) delivered a final statement.

Annex I

A. Participants nominated by Governments

ALGERIA

Mr. Mourad Benmehidi

AUSTRALIA

Mr. Evan Arthur

BRAZIL

Mrs. Marilia Sardenberg Zelner Gonçalves

CYPRUS

Mr. Constantinos Ephrem

FRANCE

Mr. Guy le Moigne

GERMANY, FEDERAL REPUBLIC OF

Mr. Rainer Fuchs

GHANA

Mr. Eric Odoi-Anim

GREECE

Mrs. Erica-Irene A. Daes

INDIA

Mr. Ajai Malhotra

MEXICO

Mr. Luis Angel Dominguez

MOROCCO

Mr. Saïd Ben Khadra

NETHERLANDS

Mr. Nico Van Putten

NORWAY

Mrs. Tove Skarstein

PHILIPPINES

Mr. Julius Caesar A. Flores

POLAND

Mr. Woldzimierz Anoil

PORTUGAL

Mrs. Maria Do Ceu Da Cunha Rego

SENEGAL

Mr. El-Hadji Malick Konte

SPAIN

Mrs. Maria De Los Angeles Jimenez Dudragueno

SWEDEN

Mr. Björn Hanmarberg

TUNISIA

Mr. Habib Laouiti

TURKEY

Mr. Sevinc Dalanoglu

UNITED STATES OF AMERICA

Mr. Papademetriou Demetrios

YUGOSLAVIA

Mr. M. Markovic

B. Expert consultants

Mr. Tomas Achacoso (Philippines)
Mrs. Erica-Irene A. Daes (Greece)
Mr. Bengt Lidas (Sweden)
Mr. Danilo Türk (Yugoslavia)

C. Observers from Member States

GREECE

Mr. Miltiadis Diamandopoulos
Mr. Eleftherios Karagiannis
Mr. Angelos Nicolopoulos
Mrs. Irene Sakelari
Mr. Constantinos Drakakis
Mr. Antonios Vlavianos
Ms. Jenny Stavridis
Mr. Nicolaos Petropoulos
Mr. Leonidas Bombas
Mr. Stilianos Beys-Kamnar
Mrs. Leoni Maritsi

PHILIPPINES

Mr. Ramon Tionloc
Mr. Jesus B. Varela
Mr. Angelito Carino

UNION OF SOVIET SOCIALIST REPUBLICS

Mr. George Pospelov
Mr. G. Mikhailov

D. Observers from non-member States

SWITZERLAND

Mr. Rodolphe S. Imhoot

E. Observers from United Nations bodies

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Ms. Anna Gerometta

UNITED NATIONS INFORMATION CENTRE

Mr. Théo Loir
Mr. Panayotis Karafotias

F. Observers from intergovernmental organizations

INTERNATIONAL COMMITTEE FOR MIGRATION

Mr. Antonios Tsakiris

G. Observers from non-governmental organizations

INTERNATIONAL SOCIAL SERVICE

Ms. Chris Koyas

MARANGOPOULOS FOUNDATION FOR HUMAN RIGHTS

Mr. C. Theodoropoulos

PAX ROMANA

Ms. Naoka Iyori

Annex II

Introductory statement by Mr. Jan Martenson, Under-Secretary-General
for Human Rights and Director-General of the United Nations Office
at Geneva, 18 September 1982

1. It is for me a great privilege and an honour to open today in Athens the present seminar on cultural dialogue between the countries of origin and the host countries of migrant workers, which the General Assembly approved in its resolution 38/14 of 22 November 1983 within the framework of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination and which is now being held under the programme of advisory services and technical assistance in the field of human rights. It is the second seminar to be held on matters relating to migrant workers. Indeed, the first seminar organized in this field took place in Tunisia back in 1975, and dealt with various aspects of "the human rights of migrant workers".
2. Allow me to express our appreciation and gratitude to the Government of Greece for having accepted to host this very significant seminar. I can hardly think of a country more appropriate than Greece for the holding of an important human rights seminar. The basic theme emerging from the distillation of the whole of Greek philosophy is respect for the dignity of the individual and devotion to striving for the common good in freedom and justice. Many of the ideals and principles of the United Nations Charter originated in the thinking, the writings and the cultural tradition and heritage of the ancient Greeks. Liberty, and the defence of liberty, are values which the Greeks cherish deeply and for which they have fought, suffered and sacrificed a great deal over the centuries.
3. As a founding member of the United Nations, your country has been in the forefront of efforts deployed by the Organization to define, protect and implement the human rights of the peoples of the world. By making Greece this week the focus of United Nations human rights activities, I am delighted to experience the feeling that, both symbolically and concretely, we are rededicating ourselves and are bringing human rights back to their birthplace.
4. I would also like to say a word of appreciation to Mrs. Daes, Mr. Achacoso, Mr. Lidal, Mr. Türk and the International Labour Office for the documents prepared for the seminar. Your very comprehensive, interesting and thought-provoking contributions are indeed the foundation for our discussions.
5. In this connection, we have been saddened by the news of the unexpected and sudden death of Mr. Gonzales de León, one of the experts who had been requested to prepare a paper for this seminar.
6. We are fortunate at this time to be witness to a most significant period in international relations, characterized by far-reaching change and progress. It is a period marked by great hope and expectation as international co-operation, particularly between the United States and the USSR, sets the stage for the solution of some of the most crucial issues of our era.
7. At the same time, we are witnessing a definite return to the idea of multilateralism within the framework of the United Nations. A renewal of the

spirit of the Charter, generated by pragmatism among States fully aware of their common interest, emphasizes their increasing interdependence at all levels and hence the vital need for cohesion, participation and dialogue.

8. The successes achieved within the framework of the United Nations and with the patient work of the Secretary-General in the past years are hopefully signs of this new direction in international affairs. May it suffice to mention that, after eight years of war, Iran and Iraq finally agreed to a cease-fire; that, following the conclusion of the Geneva Accords on Afghanistan, the United Nations is continuing its work for an end to the suffering of the Afghan people by assisting the refugees and helping in the rebuilding of the national economy, and that, in the western Sahara, the parties to the conflict have agreed to the Secretary-General's peace plan. In southern Africa, the United Nations plan for the independence of Namibia is now coming into effect, and you are all aware of the Secretary-General's efforts in the search for a solution to the Cyprus question.

9. In other parts of the world, additional important efforts are under way to facilitate the solution of regional conflicts. Meanwhile we witness encouraging progress in the vital field of disarmament, as nuclear and hopefully conventional weapons are gradually made the subject of arms limitation agreements, and we see promising progress in the field of chemical weapons.

10. In today's world of ever-growing interdependence, international peace and security are increasingly intertwined in an ever more complex web of issues and relationships, from the environment to relations between the great Powers, from development to trade and commerce. Yet at the heart of these issues lies the cause of human rights, for, without respect for the dignity and fundamental rights of women and men the world over, our endeavours cannot hope to succeed. Without the universal realization of human rights they would have no meaning. As the Secretary-General stated in his report to the General Assembly this year: "two requirements seem to be paramount: the stability of international relations must be preserved to the maximum possible extent and the universal standards of respect for human rights must be maintained".

11. While every day, every hour, in every part of the world we continue to witness human rights abuses, from summary executions and arrests to disappearances, from widespread torture to the killing of unarmed demonstrators, from detention for reasons of belief and conviction to apartheid and other forms of racism and racial discrimination, it is nevertheless in the field of human rights that the international community has made one of its most remarkable advances.

12. It was 40 years ago that the General Assembly of the United Nations proclaimed the Universal Declaration of Human Rights. The declaration was a Magna Carta of the civil, political, economic, social and cultural rights to which everyone is equally entitled. At the time it was perceived as being both utopian and idealist, as human rights issues were considered to be within the exclusive domain of sovereign States. However, since then great progress has been made and the Declaration itself inspired two Covenants as well as the International Convention on the Elimination of All Forms of Racial Discrimination and some 50 other international instruments dealing with basically all aspects of human endeavour. The latest addition to this body of

12. It was the entry into force of the Convention against Torture in 1987. I should highlight here also two very recent achievements in the legislative field: the draft convention on the rights of the child and the second optional protocol to the International Covenant on Civil and Political Rights, both of which we hope will be adopted by the General Assembly later this year.

13. However, while the legislative infrastructure at the disposal of the international community for the promotion and protection of human rights is most comprehensive, I believe that it cannot, in itself, guarantee the universal enjoyment of those rights. Indeed, the effective implementation of human rights instruments, which is at the heart of United Nations efforts, requires a much greater commitment by all concerned. This task is carried out mainly by the Commission on Human Rights and the human rights bodies set up under the Covenants and other international conventions, notably the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and, most recently, the Committee against Torture which, established in 1987, completed its second session in Geneva in April 1989. Through a number of working groups, such as the one on disappearances, composed of experts serving in their individual capacities, the Commission has been able to investigate alleged violations of human rights in certain parts of the world. By appointing special rapporteurs, the Commission considers in depth the situation of human rights in specific countries, such as Afghanistan, El Salvador, Chile, Iran and, most recently, Romania, or such phenomena as summary or arbitrary executions, torture, the question of intolerance and discrimination based on religious belief and the question of mercenaries.

14. As you know, monitoring bodies meet regularly to examine States' reports in which Governments explain what legislative, administrative or judicial measures they have adopted to comply with the obligations undertaken pursuant to the relevant Conventions. These reports are carefully scrutinized and are being given more and more publicity by an attentive media. They go through the General Assembly and determine the adoption of resolutions requesting urgent action by Member States. The end result of this process is often the corresponding modification of national legislation and practices. There is no doubt that the larger the adherence to these international instruments, the broader is the scope of the mechanisms of control and thus their effectiveness. Today between 90 and 128 States have accepted an international review of national human rights practices and 46 of them (the last four being Hungary, the Libyan Arab Jamahiriya, New Zealand and the Philippines) can also be the object of complaints from their own citizens.

15. Another monitoring system consists in examining individual communications, that is, complaints. Every year, thousands upon thousands of individual complaints are received and processed by the Communication Section of the Centre for Human Rights in Geneva. During the first half of this year, we have already received some 200,000 communications. Whereas the bulk of communications are examined under the so-called "1503 procedure", other communications can be dealt with under the specific procedures established by the Human Rights Committee, the Committee against Torture and the Committee on the Elimination of Racial Discrimination. I should also like to draw your attention to the exercise by the Secretary-General himself of his good offices in humanitarian endeavours with regard to respect for minimum standards when these have not been followed, or for instance to reunite families.

16. Let me stress that, while international mechanisms are essential in monitoring compliance with international human rights standards, strong national human rights infrastructures constitute a major safeguard against violations. Thus, while continuing our efforts to create ever more effective international mechanisms of protection, more of our energy now goes towards building up or strengthening national institutions and attitudes by providing expert advice, training and fellowship programmes to the administrators of justice in many countries and regions. Training courses and workshops have been held in all parts of the world, including Lomé, Lisbon, Kigali, Milan, Tunis, Guatemala City, Moscow, Manila, Geneva, San Remo, Conakry, Banjul and Quito. Additional ones will follow in Buenos Aires, Lima and again in Moscow later this year.

17. Our approach in these endeavours is action oriented, concrete and pragmatic. It is based on the philosophy that "charity begins at home" and that a crucial bastion against human rights violations is the presence of strong national institutions for the promotion and protection of human rights.

18. The Centre's activities under this revitalized programme of advisory services and technical assistance can range from assisting in setting up human rights centres or offices to providing expert advice in formulating legislation in keeping with international human rights standards; from training administrators of justice to providing other expert assistance on specific human rights questions; from organizing human rights fellowships and internships to establishing law libraries and law faculties; from translating into local languages and printing basic human rights instruments to other ad hoc forms of technical support. Our assistance, therefore, varies from country to country, and is tailor-made to meet the specific requirements of the country concerned.

19. We are in this context ever mindful of the complementary nature of this aspect of the programme, since advisory services are an adjunct, albeit an extremely useful and constructive one, to the existing procedures. They can never constitute an alibi for exemption from investigation and examination of possible abuses. Adherence to this programme can never be a "free ticket" from scrutiny.

20. But legislation and implementation are not sufficient. People everywhere must be aware of their rights. Information and education are thus indispensable tools in our fight. On the information leg of this triangle, I am pleased to say that positive developments have taken place over the last year.

21. The General Assembly and the other legislative bodies have repeatedly emphasized the importance of information and education on human rights at all levels of society. Throughout 1988, major efforts in this direction were made by Governments, the United Nations system and non-governmental organizations worldwide in the context of the commemoration of the fortieth anniversary of the Universal Declaration of Human Rights. The momentum created by these initiatives culminated in the unanimous launching by the United Nations of a World Public Information Campaign on Human Rights on 10 December 1988. 1/

22. For its part, the Centre has undertaken an intensive series of events and activities to spread the human rights message. Our aim is to create a well informed, constructive world public opinion for human rights, which is a very powerful instrument in the universal realization of human rights standards. For, as I have repeatedly said, silence is all too often the unknowing accomplice of tyranny.
23. The message emanating from the Universal Declaration of Human Rights is fundamental. Our task today is to help translate those remarkable principles and standards into everybody's reality.
24. The campaign is being carried out in all regions of the world in a balanced, factual and objective manner through our new publications programme and its universality will be guaranteed by, we hope, the ever-growing co-operation and participation of Member States and of that wider human rights community, made up of research institutions, academic and research communities, the media, concerned individuals and, above all, the non-governmental organizations. Let me stress that non-governmental organizations play a key role in our efforts for human rights. Their engagement in this field constitutes a major aspect of international diplomacy. I truly welcome a growing partnership with the NGO community, not least within the framework of the World Campaign.
25. Let me stress here also that the fight against the evil of racial discrimination and its most odious manifestation, apartheid, is in the forefront of the preoccupations of the Centre for Human Rights and other competent bodies of the United Nations system, also within the context of the World Campaign. It is fitting to remind ourselves that racism and racial discrimination are serious and fundamental denials of basic human rights and dignity which negate the very essence of the Universal Declaration of Human Rights. Racism inevitably leads to such other violations of human rights as torture, illegal executions, etc. The system of apartheid is the most heinous form of racism and one to which the United Nations has given increasing attention. Racism also threatens the dignity and human rights of members of such groups as migrant workers, indigenous populations and minorities, and it is on this very broad front that the United Nations continues its fight against discrimination.
26. The focus of our overall action against racism is the Second Decade to Combat Racism and Racial Discrimination, which is the framework of this seminar. As you know, the Secretary-General appointed me as the Co-ordinator of the Second Decade, and this is a mandate to which I attach the highest importance. The Second Decade provides for an overall co-ordinated approach on many fronts to the challenge of our fight against racism. This includes studies and research projects, seminars, workshops and training courses and such public events as meetings, anniversaries, and the publication of information.
27. The theme of this seminar, "Cultural dialogue between the countries of origin and the host countries of migrant workers", is not only of great interest to the entire international community - developing and developed countries alike - but it is an equally timely choice when we look back at all the United Nations activities for the protection of the human rights of all migrant workers.

28. Since 1972, the United Nations has increasingly paid attention to and taken action for the protection of the human rights of migrant workers and their families. The Economic and Social Council, in its resolution 1706 (LIII) of 28 July 1972, noted with alarm and indignation reports of incidents involving the illegal transportation, organized or undertaken by criminal elements, to some European countries and the exploitation of workers from some African countries in conditions akin to slavery and forced labour. Deeply concerned over malpractices involving inequality and discrimination and unlawful forms of recruitment and treatment of such workers, and deploring the fact that advantage was being taken of conditions of mass poverty, ignorance and unemployment in the countries of origin to exploit and profit from such labour through illicit and clandestine trafficking, the Council condemned those malpractices, appealed to the Governments concerned to apprehend and bring to justice those responsible for them, and called for the adoption of measures aimed at combating and preventing them. The Council instructed the Commission on Human Rights to consider the question and to prepare appropriate recommendations for further action. It took note of steps which had been taken by the International Labour Organisation to reinforce its action for the protection of migrant workers, and invited it to pursue energetically its examination of the matter and to report thereon to the Council.

29. The Commission on Human Rights considered the question as a matter of priority in 1973. On the recommendation of the Commission, the Council, in resolution 1789 (LIV) of 18 May 1973, urged States to ratify the relevant conventions of the International Labour Organisation and to conclude bilateral agreements relating to migration for employment as appropriate. The Council further requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on the Status of Women to study the question in depth on the basis of materials, studies and suggestions to be submitted by member States, and to recommend what further measures might be necessary for the protection, without distinction, of the human rights of foreign workers. The Council requested Member States to submit to the Secretary-General such materials, studies and suggestions as they deemed relevant, for transmission to the Sub-Commission and to the Commission on the Status of Women.

30. In 1974, the Sub-Commission entrusted one of its members, Mrs. Halima Embarek Warzazi, with the task of preparing a study on the question of illicit and clandestine operations and on the discriminatory treatment of migrant workers in host countries. The study, which was completed and forwarded to the Commission on Human Rights in 1976, contained a number of recommendations aimed at suppressing illicit and clandestine movements and trafficking in migrant workers, as well as other measures geared towards the elimination of discriminatory practices against alien workers.

31. By its resolution 31/127 of 16 December 1976, the General Assembly reiterated its serious concern at the continuing *de facto* discrimination suffered by alien workers in some countries, despite the legislative and other efforts exerted to prevent and punish it, and called upon all States to take measures to prevent and put an end to such discrimination against migrant workers, and to ensure the implementation of such measures. The Assembly invited all States: (a) to extend to migrant workers having regular status in their territories treatment equal to that enjoyed by their own nationals with regard to the protection of human rights and to the provisions of their labour legislation and their social legislation; (b) to promote and facilitate by all

means in their power the implementation of the relevant international instruments and the adoption of bilateral agreements designed, *inter alia*, to eliminate the illicit traffic in alien workers; (c) to adopt, pending the conclusion of such agreements, the appropriate measures to ensure that the fundamental human rights of all migrant workers, irrespective of their immigration status, were fully respected under their national legislation. Governments of host countries were invited to make arrangements for information and reception facilities and to put into effect policies relating to training, health, housing and educational and cultural development for migrant workers and their families, and to guarantee the free exercise by them of activities calculated to preserve their cultural values. Governments of countries of origin were invited to give the widest possible dissemination to information aimed at advising and protecting migrants.

32. One of the most significant recommendations contained in the Programme of Action adopted by the First World Conference to Combat Racism and Racial Discrimination, held in Geneva from 14 to 25 August 1978, was the elaboration of an international convention on the protection of the rights of all migrant workers and their families.

33. This recommendation was approved by the General Assembly. Thus the General Assembly decided, by resolution 34/172 of 17 December 1979, to create a working group open to all Member States to elaborate an international convention on the protection of the rights of all migrant workers and their families, and invited the international organizations concerned to participate in its work and to co-operate with a view to the elaboration of such a convention.

34. In the Programme of Action for the decade beginning 10 December 1983, adopted by the Second World Conference to Combat Racism and Racial Discrimination in August 1983 ^{2/} and endorsed by the General Assembly in its resolution 38/15 of 22 November 1983, the following measures were suggested to be undertaken by Governments to protect the rights of migrant workers: ^{3/}

(a) The General Assembly should complete, as soon as possible, the elaboration of an international convention on the protection of the rights of all migrant workers and their families. The Conference considered that the conclusion of this convention would constitute an important contribution to United Nations endeavours to protect fundamental human rights. It recommended that, pending the conclusion of the convention, a joint consultative mechanism be established in host countries with a view to contributing to good relations and mutual understanding;

(b) States should ratify, accede to and implement the international instruments aimed at protecting migrant workers from discrimination, including the relevant conventions of the International Labour Organisation;

(c) Migrant workers and members of their families should have the same rights as citizens of the State concerned as regards access to and treatment by courts and tribunals;

(d) All migrant workers should enjoy treatment no less favourable than that accorded to nationals of the host State in respect of remuneration;

(e) Migrant workers should be ensured equal treatment with national workers in the field of social security, including the right to a retirement pension and similar social rights, while having their lawful residence in the host country;

(f) Host countries should be invited to co-operate with countries of origin to provide migrant workers and their families with the necessary facilities in the fields of education and information for safeguarding their cultural identity;

(g) The children of migrant workers should be enabled to receive education in their mother tongue and on different aspects of their cultural heritage with a view to preserving their national identity;

(h) The State of origin and the host State should, as far as possible, co-operate with a view to helping to create new job opportunities for migrant workers returning to the State of origin.

35. The Working Group established by the General Assembly to elaborate an international convention on the protection of the rights of all migrant workers and their families is nearing the completion of its task, to the extent that it may be hoped that, by the end of 1990, its work will be crowned by the adoption of a new instrument in this field by the General Assembly.

36. The Economic and Social Council received and took note, in its resolution 1985/24 of 29 May 1985, of a report by the Secretary-General on the social situation of migrant workers (E/CN.5/1985/8). While noting with appreciation the progress made by the Working Group on the Drafting of an International Convention on the Protection of the Rights of all Migrant Workers and their Families, the Council recognized the need for further efforts at the national, bilateral, regional and international levels to improve the social situation of migrant workers and their families.

37. The Council accordingly invited Member States to establish and/or expand programmes and services designed to improve the welfare of migrant workers and their families and to meet the new needs and problems emerging as a result of the changing circumstances of the international migration of labour. It emphasized that such programmes should give major attention to the protection of families of migrant workers and to a substantial improvement in the conditions for genuine integration of members of migrants' families, particularly women, children and youth, into the host society; and called for special care to be paid to the education of children so that they might maintain and develop the knowledge of their maternal language and their cultural heritage.

38. The Council further affirmed the need for the Governments of the Member States concerned to enact or strictly apply legislation to prevent or punish discriminatory or xenophobic activities against migrants, to enable migrant workers to enjoy the benefits of association within the law. The Secretary-General was requested to encourage operational activities to achieve results in this field, and to consider the implementation of other measures to benefit migrant workers and their families.

39. From this review of United Nations activities and achievements geared towards the protection of migrant workers, it appears that we must, first and foremost, see to safeguarding the interests and well being of the individuals involved in migration, and we should not lose sight of the fact that, although they find themselves in this very precise category of migrant workers, they are indeed entitled to all the human rights and fundamental freedoms enshrined in the infrastructure established in this field. We are dealing here with people who are often the most exposed and vulnerable groups. Humanitarian considerations must therefore have priority over the purely economic interests of the State. It should be recalled that immigrants have contributed substantially in building modern, industrial societies and that certain responsibilities follow therefrom on the part of the host countries. History attests that a number of countries which today constitute modern society were made by immigrants. This is a dynamic process and population movements have increased in volume worldwide.

40. Your seminar is therefore of tremendous importance to international activities relating to the protection of the human rights of migrant workers and their families. I am confident that, by focusing on practical ideas and effective approaches, this seminar can provide a highly positive contribution to the policy-formulation and implementation process. I therefore welcome the exchange of information and experience and the dialogue which will take place during this week's debates, in the hope that they will promote better understanding between countries of origin and host countries, and thus generate both more humane and more effective follow-up action.

41. I understand that, following informal consultations, the seminar will be chaired by Mrs. Erica-Irene A. Daes, who has valuable expertise on the question of the individual and contemporary international law and who has made valuable contributions in the field of human rights.

42. I wish you all success in your deliberations during this seminar and thank you for your attention.

Notes

- 1/ General Assembly resolution 43/128 of 8 December 1988.
- 2/ See General Assembly resolution 38/14 of 22 November 1983.
- 3/ *Ibid.*, para. 41.

Annex III

Address by the General Secretary of the Greek Ministry of Foreign Affairs,
Mr. Raphael Alexandrou, 18 September 1989

1. On behalf of the Greek Government and myself personally, I would like to welcome you all to our country.
2. It is a great pleasure and we consider it a great honour that the United Nations Centre for Human Rights decided to hold this seminar in our country in co-operation with the Greek Government.
3. I would also like to stress the particular pleasure and satisfaction of our Government because the United Nations Secretary-General is represented at this seminar by Mr. Jan Martenson, the Under-Secretary-General for Human Rights and Director General of the United Nations Office at Geneva. Mr. Martenson is an eminent international figure who, with his prestige and the measures he introduced during his mandate as the United Nations official responsible for disarmament, contributed decisively to the settlement of problems connected with disarmament and the safeguarding of international peace and security.
4. Mr. Martenson has been in charge of the United Nations Centre for Human Rights for some time and has contributed to the effective protection of human rights and fundamental freedoms at the international level.
5. I would like to ask Mr. Martenson and his associates members of the secretariat of the United Nations Centre for Human Rights to accept the warm thanks of the Government of Greece and mine personally for the preparation and the convening of this seminar in our country.
6. I would also like to thank in particular the experts and authors of the background papers on specific items on the agenda of this seminar.
7. The theme of the seminar is "Cultural dialogue between the countries of origin and the host countries of migrant workers", a theme which is both topical and interesting, since we know that millions of workers have for long years migrated from their countries of origin to some economically developed countries in search of jobs.
8. The aim of this seminar is to provide comprehensive protection of educational and cultural rights and in particular to preserve the national and cultural identity of migrant workers and their families.
9. The decision of the United Nations to organize this seminar was aimed at expressing the particular interest of the international community in cultural issues, but more generally in providing better treatment and more comprehensive protection to individuals in this category.
10. I hope the conclusions and the recommendations that your seminar will adopt will contribute substantially to acceptance of new principles at the national and international levels, principles which could constitute the basis for harmonious relations between migrants and the other inhabitants of the country where they live and work, thus facilitating their integration into

society and avoiding forced assimilation. The preservation of the cultural identity of all peoples and the safeguarding of all civilizations constitute essential factors of the freedom and human dignity of all peoples.

11. All these reasons, but more generally the interest of our country in the promotion and safeguarding of human rights and fundamental freedoms, played an important role in our decision to accept the organization of this seminar in Greece.

12. It is well known that we support, generally, the work of the United Nations and in particular resolutions concerning human rights.

13. We sincerely wish to contribute to the elaboration of an international culture of human rights.

14. It is towards this objective that we are already working for the success of the World Public Information Campaign on Human Rights decided by the United Nations General Assembly, and more generally for the effective protection of every person without any discrimination.

15. It is with these thoughts that I wish your work to be creative and that you will attain the objectives of this seminar.

Annex IV

Statement by Mrs. Erica-Irene A. Daes, Chairman of the seminar,
18 September 1989

1. At the outset, I would like to express my gratitude and congratulations to the Under-Secretary-General for Human Rights and Director General of the United Nations Office at Geneva for his very comprehensive, informative and thought-provoking introductory statement. I would like also to express to him my grateful thanks for his kind words addressed to me. Further, I would like to thank all my distinguished colleagues for the confidence entrusted in me to chair this very important and historic seminar. I consider my election as an honour to my country, which is continually dedicated to the imperishable ideals of democracy, liberty, justice and human dignity. I accept the chairmanship of the seminar with a sense of responsibility and I do hope that I am able to live up to your expectations.
2. Indeed, it is a matter of great significance to Greece and a personal satisfaction to me that recognized experts in the field of human rights and distinguished participants with knowledge and experience related to the topic of the seminar, from a great number of States, representing all the geographical groups of the United Nations and all the economic, social and legal systems, are gathered here today, at this United Nations seminar.
3. As you know, the topic of the seminar is "Cultural dialogue between the countries of origin and the host countries of migrant workers". This theme of the seminar, relating to the treatment, protection and, in particular, the survival of the national heritage and cultural identity of the migrant workers, is an important topic of great concern to every country, economically developed and less developed, and to every society. The background of the subject-matter, the implications of the maltreatment of migrant workers and their families and in particular the exploitation of labour through illicit and clandestine trafficking, have been mentioned by the Under-Secretary-General. Therefore, and in order to avoid repetitions, I would like to make some brief remarks and to refer to certain points of our work programme which I hope will facilitate our task.
4. In this respect it should be underlined that millions of migrant workers, in certain countries of the globe, are still suffering from detrimental discriminatory treatment and from disrespect for their basic human rights and freedoms.
5. It is a fact that the international community through the competent organs and bodies of the United Nations system has already expressed serious concern, elaborated studies, adopted specific recommendations and measures aiming at the amelioration of the situation of migrant workers.
6. The vast amount of work carried out by the International Labour Organisation and its standard-setting and monitoring responsibilities are of vital importance. The activities and studies of the United Nations supplement

the ILO work by focusing more sharply on the social welfare requirements, educational and cultural protection and humanitarian issues of international migration for employment.

7. Despite the fact that much has been done by a great number of States of the world community and by international organizations to protect the welfare of migrant workers, there remains ample room for action at all levels - national, bilateral, regional and international. Moreover, the new needs and dimensions that arise from constantly changing conditions of international migration, such as the increasing reliance of Middle Eastern countries on foreign manpower, call for renewed and concerted efforts of international organizations and the Governments concerned for a more effective protection of the human rights of migrant workers and their families.

8. There is a need, therefore, for collective action, in particular at the international level, to revise and supplement existing conventions, agreements and recommendations to make them action-oriented, more responsive to the needs of migrant workers, one of the most vulnerable and needy groups of human beings.

9. In this connection, the Economic and Social Council, aware of the efforts of the international community to improve the protection of the human rights of migrant workers, including those from the developing countries, decided by its resolution 1988/6 of 24 May 1988, entitled "Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination", to request the Secretary-General to continue to pay special attention to migrant workers and their families and to organize the present seminar on cultural dialogue between the countries of origin and the host countries of migrant workers.

10. It should be clearly stated that the term "migrant worker", in particular for the purpose of this seminar, refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national. This is the meaning of the term "migrant worker" as it has been adopted by the Working Group of the United Nations General Assembly and is included in article 2, paragraph 1, of the draft international convention on the protection of the rights of all migrant workers and their families.

11. This seminar, as you know, has a short duration, i.e. we have to complete our work by 26 September. Thus, in this period we should consider and cover five agenda items.

12. Item 1 reads: "Effectiveness of international norms and practical measures aimed at the acceptance of basic principles relating to the treatment and protection of migrant workers and their families." I will have the privilege and the pleasure to present by background paper on this item on Tuesday morning, 19 September. Immediately after, Mr. Türk will be requested to present his background paper on item 4, which reads: "Discrimination experienced by migrant workers and their families with regard to educational facilities, teaching programmes and school curricula." The discussion will continue and be completed on both items in the afternoon of Wednesday, 20 September.

13. Item 2 of the agenda, reading: "Exchange of information on the cultural life of migrant workers and their families between the States of origin and the host countries of migrant workers and their families", will be discussed on Thursday, 21 September. In this connection, I would like to point out that unfortunately no background paper exists on this important item. It is with deep sorrow that I have to announce the sudden passing away of Ambassador Antonio Gonzalez de León, of Mexico, who was to have prepared this background paper.
14. Item 3, reading "Experience in the establishment of institutions and/or procedures in the States of origin and the host countries for the special needs, including social, health and other services, of migrant workers and their families", will be considered on Friday, 22 September, after the presentation of the relevant background paper by Mr. Tom Achacoso.
15. Agenda item 5 reads: "Participation in public affairs, including the right to vote and to be elected, as well as the right to freedom of association and the right to join trade unions, in the host countries and their States of origin". After the presentation of the relevant background paper by Mr. Bengt Lidal, this item will be discussed on Saturday, 23 September.
16. The remaining days will be devoted to the preparation of the draft report, in particular to the elaboration and consideration of conclusions and recommendations, the adoption of the report, the concluding remarks and the closing of the session.
17. Turning now to the form of our report, I would like to state that it will include the summary of the discussions, conclusions and recommendations and annexes containing the address by the Secretary-General of the Greek Ministry of Foreign Affairs, the introductory statement by the Under-Secretary-General for Human Rights and my own introductory statement.
18. The report of the seminar will be transmitted in final form to the next session of the Commission on Human Rights, the Economic and Social Council and the General Assembly.
19. Now I would like respectfully to request you to pay a tribute to the memory of Ambassador Antonio Gonzalez de León who, as I said with deep sorrow, passed away on 1 September 1989, while he was preparing his paper for his participation at the seminar. Antonio Gonzalez de León was the Chairman of the General Assembly Working Group on Migrant Workers since its conception in 1979 and greatly contributed to the elaboration of the draft convention on the protection of the rights of all migrant workers and their families, as well as to the promotion and protection of human rights in general. May I invite you all to pay a tribute to his memory by observing a minute of silence.
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20. In this connection I would like to request the secretariat of the seminar to convey our deep sympathy and condolences to the Government of Mexico and to the family of the late Ambassador Antonio Gonzalez de León.

21. In conclusion, I would like to reiterate that it is my sincere wish to work hard with all of you in order to implement the mandate of the seminar and in particular to have a constructive dialogue between all of us in a very pleasant and harmonious atmosphere. The international community is expecting from this seminar useful conclusions and relevant fruitful and action-oriented recommendations. Let us hope that our report will be of great guidance to Governments, to the Working Group of the General Assembly on Drafting the International Convention on the Protection of the Rights of All Migrant Workers and their Families and to everyone concerned with this subject-matter. The welfare of migrant workers and in particular of their children and the adoption of policies and measures for the protection of their national heritage and cultural identity is of tremendous importance for the contemporary international community.



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QUESTION OF HUMAN RIGHTS IN CHILE

Letter dated 22 September 1989 from the Minister for Foreign
Affairs of the Federal Republic of Germany addressed to the
Chairman of the Commission on Human Rights

I was both shocked and dismayed to learn of the decision of the Chilean Supreme Court more or less avoiding prosecution of the serious crimes attributed to members of the Sociedad Benefactora Educacional Dignidad, commonly referred to as "Colonia Dignidad".

Colonia Dignidad is a colony of mostly German nationals in southern Chile. Former members who have fled the colony have accused its leaders of seriously mistreating and torturing insubordinate members. There have been other allegations of misuse of psychopharmacological substances, unlawful detention, and sexual crimes against minors. These charges have been and still are the subject of criminal investigation proceedings in the Federal Republic of Germany. They have also been known to the Chilean authorities for years. One particularly serious example is the case of a young man with dual nationality who in 1988 made a second attempt to escape and was brought back by force. In spite of urgent requests from the Government of the Federal Republic of Germany this man is not allowed to be questioned outside the colony.

In my opinion, the abundance of evidence offered to the Chilean authorities is sufficient to open criminal proceedings. To my great surprise the Chilean authorities have not availed themselves of much of this evidence and have declined to take depositions from important witnesses.

In previous years, too, the Chilean authorities and the Chilean Government have remained inactive in spite of urgent requests from the Federal Government.

This decision by the Chilean Court nourishes the suspicion that the happenings in Colonia Dignidad are being covered up by the Chilean leadership and the persons responsible protected. Until such time as the Chilean Government has fully investigated the serious charges against the leading members of Colonia Dignidad and has done everything in its power to prevent violations of human rights and to protect the members of that organization from inhumane treatment, the position of the Government of the Federal Republic of Germany will be that the Chilean Government bears a major part of the responsibility for the reported cases of torture, mistreatment and the suppression of personal liberty.

I refer in this connection to the reports of the Ad Hoc Working Group of the Commission on Human Rights appointed to inquire into the situation of human rights in Chile (documents E/CN.4/1138 of 4 February 1976, p. 39 and A/31/259 of 8 October 1976, pp. 58 and 97).

I shall instruct the delegation of the Federal Republic of Germany to raise this serious case of human rights violations in Chile at the forty-sixth session of the Commission on Human Rights of the United Nations.

(Signed): Hans-Dietrich Genscher
Minister for Foreign Affairs
